COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 166 (S/S) of 2000

Kunwar Pal Singh Chauhan, S/o Bahal Singh, R/o Kamal Avas Colony, Kicchha Road, Sitarganj, Distt. Udham Singh Nagar. At present posted as Gram Panchayat Adhikari, Distt. Udham Singh Nagar.

.....Petitioner

Versus

1. State of Uttaranchal.
2. Director, Panchayat Raj U.P. Lucknow.
3. Regional Deputy Director, Panchayatraj, Kumaon and Garhwal Mandal, Head officer, Dehradun.
4. Secretary, Panchayatraj, Dehradun.
5. District Panchayatraj Adhikari.
6. Sri I.D. Budhalakoti.
7. Sri Rafiq Ahmad.
8. Sri Deewan Singh Rawat.

.....Respondents

Sri A.D. Tripathi, learned counsel for the petitioner.
Learned Standing Counsel for the State.

Dated: 27.11.2007

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioner for the following reliefs:-

"(i) Issue a writ order or direction in nature of cutinary and stay the operation of the promotion order dated 23rd October 2000 (Annex.6) passed by Respondent No.1 without considering the promotion Rules and applying the Rule of natural Justice.

(ii) Issue writ order or direction in nature of mandamus commanding the respondent to include the name of petitioner in the promotion list because he is the senior most official amongst others who have been promoted.

(iii) Issue writ order or direction in nature of mandamus directing the respondent, how the junior have been promoted instead of the senior employee which is against the provision of Rule 20 of 1978.

(iv) Issue writ order or direction in nature of mandamus directing the respondent No.1 despite of the Govt. Order dated 1st October 2000, the promotion list have been issued on 23rd Oct. 2000.

(v) Issue any other writ order or direction which this Hon'ble Court may deem fit and proper in the nature of facts and circumstances of the case.

(vi) Issue cost of the writ."

2. The prayer no.(1) cannot be granted to the petitioner in view of the factual statement made in the writ petition which relates to the supersession of the petitioner only and the entire select list of promotees has not been challenged which is also supported from the representation made by the petitioner which is contained in Annexure-7 to the writ petition. Therefore, the aforesaid prayer no.(1) cannot be granted.

3. So far as prayer no.(ii) is concerned, since the petitioner has already made a representation contained in Annexure-7 to the writ petition, the Secretary, Panchayat Raj, Dehradun/ Respondent No.4 is directed to consider the representation of the petitioner in the light of factual averments made in the writ petition as well as the representation within a period of three months. Learned Standing Counsel shall send copy of this order as well as copy of the writ petition and the representation, contained in Annexure-7 to the writ petition, to the Secretary, Panchayat Raj, Dehradun within a week. If the petitioner has illegally been

superseded, his grievance shall be redressed and Secretary, Panchayat Raj, Dehradun is directed to pass a speaking order.

4. With the aforesaid directions, the writ petition is disposed of.

(P.C. Verma, J.)

27.11.2007
RBS